

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred House Bill 1382, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 20-33-11 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2007]:
- 6 **Chapter 11. Interrogation of a Student**
- 7 **Sec. 1. The definitions in IC 20-33-8 apply to this chapter.**
- 8 **Sec. 2. A school shall comply with this chapter.**
- 9 **Sec. 3. (a) This section applies if a school does not have a policy**
- 10 **that requires a student's parent to be notified if the student is**
- 11 **interrogated on school property by a law enforcement officer.**
- 12 **(b) If a student who is at least eighteen (18) years of age is**
- 13 **interrogated by a law enforcement officer:**
- 14 **(1) on school property; and**

(2) regarding an investigation in which the student may be a suspect;
the school principal must notify the student's parent of the interrogation not later than twelve (12) hours after the interrogation occurs.

Sec. 4. If a school has a policy that requires a student's parent to be notified by a designated school employee if the student is interrogated on school property by a law enforcement officer, the school policy must apply to all students, regardless of the age of the student."

Page 1, line 3, after "(a)" insert **"This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:**

- (1) Murder (IC 35-42-1-1).**
- (2) Attempted murder (IC 35-41-5-1).**
- (3) Voluntary manslaughter (IC 35-42-1-3).**
- (4) Involuntary manslaughter (IC 35-42-1-4).**
- (5) Reckless homicide (IC 35-42-1-5).**
- (6) Aggravated battery (IC 35-42-2-1.5).**
- (7) Battery (IC 35-42-2-1).**
- (8) Kidnapping (IC 35-42-3-2).**
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.**
- (10) Sexual misconduct with a minor (IC 35-42-4-9).**
- (11) Incest (IC 35-46-1-3).**
- (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).**
- (13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).**
- (14) Carjacking (IC 35-42-5-2).**
- (15) Assisting a criminal as a Class C felony (IC 35-44-3-2).**
- (16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.**
- (17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).**
- (18) Causing death when operating a motor vehicle (IC 9-30-5-5).**
- (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.**
- (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.**

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.

(25) A controlled substances offense under IC 35-48.

(26) A criminal gang offense under IC 35-45-9.

(b)".

Page 1, line 4, delete "chapter," and insert "**chapter for a crime or act listed in subsection (a),**".

Page 1, line 6, delete "school" and insert "**school, including a public or nonpublic school, in which the child is enrolled**".

Page 1, line 7, delete "or" and insert "**or, if the child is enrolled in a public school,**".

Page 1, line 11, delete "(b)" and insert "(c)".

Page 1, line 13, delete "(c)" and insert "(d)".

Page 1, between lines 15 and 16, begin a new paragraph and insert: "**(e) A school may not use a report that a child was arrested or taken into custody under this chapter for disciplinary purposes.**"

SECTION 3. IC 31-39-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. A judge of a juvenile court or the judge's employees may not exercise any jurisdiction or control over:

(1) records kept and maintained by law enforcement agencies relating to juveniles; and

(2) the discretion granted to heads of law enforcement agencies to release, or to grant access to, records and information unless otherwise specifically provided in the juvenile law, **including IC 31-37-4-3 and IC 31-39-9**. Any specific authority that is granted does not imply the existence of any other jurisdiction or control.

SECTION 4. IC 31-39-2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.5. A juvenile court may release court records to an entity listed in IC 31-39-9-1 without a court order.**

SECTION 5. IC 31-39-2-13.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13.8. (a) The juvenile

1 court may grant a school access to all or a portion of the juvenile court
2 records of a child who is a student at the school if:

- 3 (1) the superintendent, or the superintendent's designee;
- 4 (2) the chief administrative officer of a nonpublic school, or the
5 chief administrative officer's designee; or
- 6 (3) the individual with administrative control within a charter
7 school, or the individual's designee;

8 submits a written request that meets the requirements of subsection (b).

9 (b) A written request must establish that the juvenile court records
10 described in subsection (a) are necessary for the school to:

- 11 (1) serve the educational needs of the child whose records are
12 being released; or
- 13 (2) protect the safety or health of a student, an employee, or a
14 volunteer at the school.

15 (c) A juvenile court that releases juvenile court records under this
16 section shall provide notice to the child and to the child's parent,
17 guardian, or custodian that the child's juvenile records have been
18 disclosed to the school.

19 (d) A juvenile court that releases juvenile court records under this
20 section shall issue an order requiring the school to keep the juvenile
21 court records confidential. A confidentiality order issued under this
22 subsection does not prohibit a school that receives juvenile court
23 records from forwarding the juvenile records to:

- 24 (1) another school; ~~or~~
- 25 (2) a person if a parent, guardian, or custodian of the child
26 consents to the release of the juvenile court records to the person;

27 **or**

28 **(3) an entity listed in IC 31-39-9-1.**

29 A school or a person that receives juvenile court records under this
30 subsection must keep the juvenile court records confidential."

31 Page 2, line 5, delete "delinquent".

32 Page 2, line 5, delete "receiving supervision," and insert "**a child in
33 need of services or has been determined to be a delinquent child
34 under IC 31-37-1-2,**".

35 Page 2, line 6, delete "treatment, or services".

36 Page 2, line 13, delete "school." and insert "**school, including a
37 public or nonpublic school.**".

38 Page 2, delete line 14.

1 Page 2, line 21, delete "school" and insert "**school, including a**
2 **public or nonpublic school, in which the child is enrolled**".

3 Page 2, line 37, delete "school or" and insert "**school, including a**
4 **public or nonpublic school, or, if the individual is enrolled in a**
5 **public school,**".

6 Renumber all SECTIONS consecutively.
 (Reference is to HB 1382 as introduced.)

and when so amended that said bill do pass.

Representative Lawson L